



Petitioner's Docket No. 700157/48457

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wyatt et al.

Application No.: 09/446,799

Group No.:

Filed: November 10, 1998

Examiner:

For: GLYCOSYLATED MODIFIED PRIMATE LENTIVIRUS ENVELOPE POLYPEPTIDES

Assistant Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

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Date of Deposit May 1, 2001

I hereby state that the following *attached* paper or fee

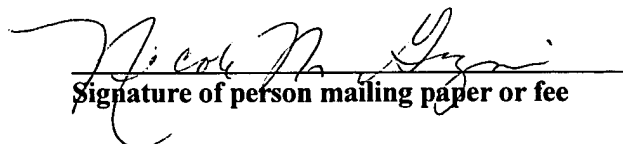
Renewed Petition under 37 C.F.R. 1.47(a) (3 pages);

Original Declaration and Power of Attorney signed by Drs. Kwong and Hendrickson (4 pages);

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is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Nicole M. Gignac


Signature of person mailing paper or fee



Correct Appl. No.
09/446,799

3700

3739

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Richard T. WYATT
Joseph G. SODROSKI
Peter D. KWONG
Wayne A. HENDRICKSON

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TECHNOLOGY CENTER R3700

SERIAL NO.: 09/446,799

FILED: November 10, 1998

FOR: GLYCOSYLATED MODIFIED PRIMATE LENTIVIRUS ENVELOPE
POLYPEPTIDES

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

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05 SEP 2001

Legal Staff
International Division

Sir:

RENEWED PETITION UNDER 37 C.F.R. 1.47(a)

Applicants respectfully request reconsideration of the Decision on Petition Under 37 C.F.R. 1.47(a), mailed March 2, 2001 in the above-identified application. Applicants are submitting herewith a Declaration signed by **all** the named joint inventors.

The complete history of this application was summarized in the Decision on Petition mailed March 2, 2001.

The present application was filed in the U.S. as the national stage entry of international application PCT/US98/23998 on November 10, 1998. On April 18, 2000 the United States Designated/Elected Office mailed a Notification of Missing Requirements under 37 C.F.R. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 C.F.R. 1.497 (a) and (b) was required, setting a one month time limit in which to respond.

On September 29, 2000 applicants submitted a Petition under 37 C.F.R. 1.47(a) for acceptance of the application without the signatures of two joint inventors, Peter D. Kwong and Wayne A. Hendrickson. The declaration was signed on their behalf by the first named inventor, Richard T. Wyatt, as well as by Richard T. Wyatt, and Joseph G. Sodroski, on their own

Richard T. Wyatt , as well as by Richard T. Wyatt and Joseph G. Sodroski on their own behalves, respectively. The petition was accompanied by (1) \$130.00, as required under 37 C.F.R. 1.17(h) and all the requisite filing fees; (2) supporting documents that the missing inventors had refused to sign (including statements by Nicole L. M. Valtz, Nancy Grodin, and letters documenting attempts to have the missing inventors sign the declaration); (3) the last known address of each non-signing inventor; and (4) a declaration signed by each inventor on his own behalf and on behalf of the non-signing joint inventors.

On March 2, 2001 a Decision on Petition under 37 C.F.R. 1.47(a) was mailed, in which the Petition was dismissed without prejudice. The Legal Examiner indicated therein that while items (1), (3), and (4) satisfied the requirements for this Petition, the documents provided for requirement (2), to establish that a bona fide attempt had been made to present the application papers, including the specification, claims, and drawings to Peter D. Kwong and Wayne A. Hendrickson, had not been satisfied. The Decision indicated that applicants had two months from the date of the Decision to file a response for reconsideration on the merits. The Decision further indicated that no additional fee is required. Applicants believe that they had complied with item (2) but as explained below, this issue is now moot.

In response to this Decision, applicants are submitting herewith a combined Declaration and Power of Attorney, signed by each of the joint inventors of this application.

The previously non-signing inventors have now signed the Declaration and provided it to the undersigned counsel for this matter at the recommendation of the technology transfer office at Columbia University. Academic institutions typically have a technology transfer office, which manages the intellectual property, including patent prosecution, on behalf of their scientist employees. This invention involves scientists from two such academic institutions, Dana-Farber Cancer Institute and Columbia University. The declaration was not previously executed due to certain concerns by personnel at Columbia University, the employer of the two non-signing inventors. Pursuant to discussions between Dana-Farber Cancer Institute, Inc. and Columbia, the declaration has now been signed by Peter D. Kwong and Wayne A. Hendrickson, as well as the previously signing inventors, Richard T. Wyatt , and Joseph G. Sodroski. Thus, applicants have now provided an executed declaration for this application as well as the rationale for why it was not previously executed. Accordingly, applicants respectfully submit that the Decision should be reconsidered.



Applicants believe no fee is due; however, please charge Deposit Account 50-0850 if any fee is required.

Respectfully submitted,

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Date: May 1, 2001

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